

EXHIBIT A

Exhibit A

There is a Protective Order in this action, a copy of which is attached as Exhibit B. Paragraph 16 of the Protective Order provides that you may produce documents and give testimony in this case subject to the Protective Order by using an appropriate designation.

DEFINITIONS AND INSTRUCTIONS

As used herein:

1. The term “Litigation” means any legal dispute between Applera and Illumina, including but not limited to the case Illumina, Inc. v. Applera Corp., Case # GIC801618 in San Diego Superior Court, the patent infringement case filed in the Northern District of California, and any arbitrations between Illumina and Applera.
2. The term “pleadings” means any submission to the court, either the Superior Court, the Federal District Court, or any appellate court, or arbitration panel in the Litigation, as well as any written discovery exchanged between the parties to the Litigation, including but not limited to document requests and responses, interrogatories and responses, and requests for admission and responses.
3. The term “transcripts” means any recordation of testimony, whether in court or in deposition, or hearings in the Litigation.
4. The term “Applera” means Applera Corp. and its affiliates, parents, predecessors, successors, assigns, subsidiaries, servants, employees, officers, directors, agents, representatives, investigators, attorneys and all other persons and entities representing or acting on its behalf.

5. The term "Illumina" means Illumina, Inc. and its affiliates, parents, predecessors, successors, assigns, subsidiaries, servants, employees, officers, directors, agents, representatives, investigators, attorneys and all other persons and entities representing or acting on its behalf.

6. This request covers all documents in the possession, custody or control of the responding party or the custody and control of his directors, officers, employees, agents, attorneys or representatives of any kind wherever those documents are located.

7. The connectives "and" and "or" as used herein shall be construed conjunctively or disjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

8. Any word written in the singular shall be construed as plural or vice-versa when necessary to facilitate, or bring within its scope all responses that might otherwise be construed to be outside of its scope.

9. To the extent that the documents requested herein are not produced as they are kept in the usual course of business, then as to each document produced, indicate the number or numbers of the requests below to which the document is responsive.

10. The use of the present tense includes the past tense, and the use of the past tense includes the present tense, so as to be inclusive of any documents which otherwise may be excluded from production.

11. If any document requested herein is withheld pursuant to any objection based upon privilege, identify each document for which the privilege is claimed and state:

- a. the type of document (letter, report, memoranda, etc.), including any title or identifying number thereon;

- b. Its date of origin or preparation;
- c. The name of its author or originator;
- d. The name of its addressee(s), if any;
- e. A brief summary of its substance; and
- f. A factual and legal basis upon which a privilege is claimed sufficient to permit the Court to adjudicate the validity of the claim.

12. If any document requested to be produced herein was in your possession, custody or control, but has since been disposed of, lost, discarded, destroyed, or otherwise has become unavailable within four (4) years of the date of this request, please identify which documents were destroyed and state further the identity of the person who ordered them destroyed and the reason for their destruction.

DOCUMENTS AND THINGS TO BE PRODUCED

- 1. All pleadings filed or served in the Litigation.
- 2. All transcripts of depositions in the Litigation.
- 3. All transcripts of hearings in the Litigation.